BORA LASKIN LAW LIBRARY
3 1761 10634331 2

UNIVERSITY OF TORONTO
FACULTY OF LAW

CRIMINAL LAW

Alan Brudner

VOLUME I

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto

2019-2020

KE
8808.5
.B78
2019
v.1
c.1

BORA LASKIN LAW LIBRARY

AUG 15 2019

FACULTY OF LAW
UNIVERSITY OF TORONTO

CRIMINAL LAW

Alan Brudner

VOLUME I

FACULTY OF LAW
UNIVERSITY OF TORONTO

These materials are reproduced solely for the use of students in the Faculty of Law, University of Toronto

2019-2020

Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

https://archive.org/details/criminallaw01brud_28

TABLE OF CONTENTS

(Volume I)

Chapter One: The Aims of Punishment

Bentham, Principles of Morals and Legislation 1
C.S. Lewis, "The Humanitarian Theory of Punishment" 5
Alan Brudner, "*Commentary*: In Defence of Retributivism" 9

Chapter Two: The Principle of Legality

Shaw v. Director of Public Prosecutions 13
R. v. Nova Scotia Pharmaceutical Society 20

Chapter Three: The Presumption of Innocence

Woolmington v. D.P.P. 27
R. v. Oakes 32
R. v. Whyte 39
Downey v. The Queen 46
R. v. Lifchus 55

Chapter Four: Actus Reus

R. v. Corrier 61
R. v. Williams 64

A) Voluntariness

Rex v. Larsonneur 72
Killbride v. Lake 73

B) Omissions

A Penal Code Prepared by the Indian Law Commissioners 75
People v. Beardsley 77
The Queen v. Instan 81
Fagan v. Commissioner of Metropolitan Police 83
R. v. Miller 86
LRCC, Working Paper #46, Omissions 88

C) Causation

R. v. Winning 91
Commonwealth v. Moyer 91
R. v. Roberts 94
The Queen v. Jordan 96
R. v. Smith 98
People v. Lewis 101
Pagett v. The Queen 102
The American Law Institute's Model Penal Code 104
R. v. Cheshire 105
R. v. Smithers 110
R. v. Blaue 111
R. v. Cribbin 114
R. v. Nette 121
R. v Maybin 137

Chapter Five: Inchoate Crimes

I. Attempts

A) Intent

Lajoie v. The Queen 149
R. v. Ancio 153

B) Actus Reus

The King v. Robinson 159
The King v. Barker 162
R. v. Cline 166
R. v. Sorrell and Bondett 171
Deutsch v. The Queen 176
LRCC Draft Criminal Code 180

C) The Relevance of Impossibility

R. v. Scott 182
R. v. Smith (Roger) 183
R. v. Shivpuri 187

USA v. Dynar 193

II. Counselling

R. v. McLeod et al. 209

R. v. Hamilton. 210

LRCC Draft Criminal Code 216

Chapter Six: Mens Rea

R. v. City of Sault Ste. Marie 218

Barbara Wooton, Crime and the Criminal Law 218

H.L.A. Hart, Punishment and Responsibility 221

A) Intention and Motive

Lewis v. The Queen 226

R. v. Steane 231

Dunbar v. The King 233

Paquette v. The Queen 235

R. v. Hibbert 237

B) Recklessness

R. v. Caldwell 251

R. v. G and another 254

R. v. Tutton and Tutton 264

R. v. A.D.H. 275

R. v. Hundal 284

R v. Beatty 291

R v. Roy 305

Brenda M. Baker, "Mens Rea & Negligence" 314

R v. Briscoe 317

American Law Institute's Model Penal Code 319

Chapter Seven: Departures from Mens Rea

A) Constructive Murder

R. v. Vaillancourt 321

The Law Reform Commission of Canada Working Paper 33, Homicide 332

LRCC Draft Criminal Code 335

R. v. Martineau 336

B) Foreseeability of Harm

R. v. DeSousa 348

R. v. Creighton 356

C) Strict and Absolute Liability

Morris and Howard, "Strict Responsibility" 379

Rex v. Ping Yuen 382

Beaver v. The Queen 384

R. v. City of Sault Ste. Marie 389

Reference Re: Section 94(2) of the Motor Vehicle Act 395

Wholesale Travel Group Inc. v. The Queen 401

Chapter Eight: Parties to Offences

R. v. Kulbacki 431

R. v. Salajko 432

Dunlop and Sylvester v. The Queen 433

R. v. Jackson 439

R. v. Bainbridge 441

R. v. Logan et al. 443

LRCC Draft Criminal Code 450